

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/997, 706 12/23/97 EJIRI

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005514 WM31/0620
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NEW YORK NY 10112

 EXAMINER POKRZYWA, J ART UNIT PAPER NUMBER

2622

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DATE MAILED:

06/20/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No.	Applicant(s)
	08/997,706	EJIRI, SEISHI
	Examiner	Art Unit
	Joseph R. Pokrzywa	2622

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 May 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) The period for reply expires 6 months from the mailing date of the final rejection.
- b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

- 1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
- 2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
- 3. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search. (see NOTE below);
 - (b) they raise the issue of new matter. (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

- 4. Applicant's reply has overcome the following rejection(s): _____.
- 5. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
- 7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- 8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: _____.

Claim(s) objected to: _____.

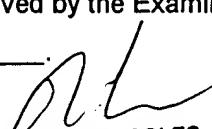
Claim(s) rejected: 1-4 and 6-23.

Claim(s) withdrawn from consideration: _____.

- 9. The proposed drawing correction filed on _____ a) has b) has not been approved by the Examiner.

- 10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

- 11. Other: _____


EDWARD COLES
 SUPERVISORY PATENT EXAMINER
 16769 2000

DETAILED ACTION

Advisory Action

1. The period for reply continues to run SIX MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 must be timely filed to avoid abandonment of this application.

Response to Amendment

2. The amendment filed 5/25/01 under 37 CFR 1.116 in reply to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claim(s): none

Rejected claim(s): 1-4, 6-23

Claim(s) objected to: none

3. See 37 CFR 1.193(a)(2) which provides for the inclusion of the proposed rejection(s) detailed below in the Examiner's Answer if applicant elects to file an appeal to the Board of Patent Appeals and Interferences in this proceeding. To be complete, such rejection(s) must be addressed in any brief on appeal.

Upon appeal and entry of the amendment:

Claim 1 would be rejected for the reasons set forth in the rejection of claim 5, under 35 U.S.C. 103(a), based upon Kikuchi *et al.* (U.S. Patent Number 5,552,901) in view of Otsuka (U.S. Patent Number 5,579,126) of the final Office Action mailed 2/27/01. Similarly, *claims 7, 13, 17, 21, and 22* would be rejected under 35 U.S.C. 103(a), based upon Kikuchi *et al.* in view of Otsuka.

Claims 18 through 20, and 23 would be rejected under 35 U.S.C. 103(a), based upon Kikuchi *et al.* in view of Hashimoto *et al.* (U.S. Patent Number 5,644,404) as cited in the final Office Action mailed 2/27/01, and further in view of Otsuka.

In response to applicant's arguments regarding the rejection of amended claim 1, stating on pages 16 through 18 that Kikuchi, Otsuka, and Hashimoto fail to teach of the notification unit notifying the data processing terminal of information related to the data transmission upon completion of the data transmission performed by the data transmitter. As noted in the Office action dated 2/27/01, Kikuchi discloses a notification unit (operation control unit 22 with the parameter table 26, column 5, line 59 through column 6, line 3, and column 17, lines 60 through 67) notifying the data processing terminal (fax server 1) of information relating to the data transmission (column 17, lines 60 through 67, wherein the transmission result information includes communication history data which includes the results of the communications with the opposite faxes 6, and column 18, lines 7 through 19). However, Kikuchi does fail to specifically disclose of notifying *upon completion* of the data transmission performed by the data transmitter.

Otsuka discloses a notification unit (LAN interface 16) for notifying the data processing terminal (personal computer PC1, PC2, PCm) through the connector (concentrator 40) of a

transmission result information (transmission result record lists in Figs. 3C and 3D, column 5, line 44 through column 6, line 4) representing a data transmission (step 203 in Fig. 5, column 7, lines 33 through 44). Further, Otsuka teaches that the notification unit (LAN interface unit 16) notifies information related to data transmission upon completion of the data transmission performed by the data transmitter (step 110 in Fig. 4, and step 203 in Fig. 5, column 6, line 61 through column 7, line 44, wherein upon completion of the data transmission in steps 107 through 109, a lack-of-record-area message 203 is sent to a data processing terminal, being one of P_{c1} through P_{Cm}, wherein the lack-of-record-area message 203 relates to the data transmission by informing the user at the terminal that the transmission result record was not able to be stored in RAM 3). Because of this, it can be seen that Otsuka teaches of the notification unit notifying the data processing terminal of information related to the data transmission upon completion of the data transmission performed by the data transmitter. Further, as discussed in the Office action dated 2/27/01, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to easily modify Kikuchi's system, so as to include these teachings of Otsuka, as the systems share cumulative features, being additive in nature.

4. Because of this, amended **claims 1, 7, 13, 17, 21, and 22** would be rejected based upon Kikuchi *et al.* (U.S. Patent Number 5,552,901) in view of Otsuka (U.S. Patent Number 5,579,126). Likewise, for the same reasons discussed above, amended **claims 18 through 20, and 23** would be rejected based upon Kikuchi *et al.* (U.S. Patent Number 5,552,901) in view of Hashimoto *et al.* (U.S. Patent Number 5,644,404), and further in view of Otsuka (U.S. Patent Number 5,579,126)

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph R. Pokrzywa
Examiner
Art Unit 2622

jrp
June 18, 2001


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